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4 BILL NO. S-74-08-03

5 SPECIAL ORDINANCE NO. S- 130-74

6 AN ORDINANCE approving a contract with NOBIS-
7 WESTROP, INC. for construction of McArthur
8 Drive Feeder Main

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:

11 SECTION 1. The contract dated August 5, 1974 between NOBIS-
12 WESTROPP CONSTRUCTION CO. and the City of Fort Wayne, by and through its
13 Mayor and the Board of Public Works, for the construction and installation
14 as follows:

15 995[±] feet of sixteen inch (16") ductile iron water main on
16 McArthur Drive from Old Trail Road to Elzey Street, and it's
17 appurtenances

18 for a total cost of \$30,730.00, all as more particularly set forth in said contract
19 which is on file in the Office of the Board of Public Works, and is by reference
20 incorporated herein and made a part hereof, is hereby in all things ratified, con-
21 firmed and approved.

22 SECTION 2. This Ordinance shall be in full force and effect from and
23 after its passage and approval by the Mayor.

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25 
26 _____
27 Councilman

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APPROVED AS TO FORM
AND LEGALITY.


CITY ATTORNEY

Read the first time in full and on motion by Hinga, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 8-13-74

Charles B. Westermann
CITY CLERK

Read the third time in full and on motion by Hinga, seconded by Stier, and duly adopted, placed on its passage.

Passed (~~DEF~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 8-27-74

Charles B. Westermann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (~~Resolution~~) No. S-130-74 on the 27th day of August, 1974.

ATTEST: (SEAL)
Charles B. Westermann
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of August, 1974, at the hour of 11 o'clock A.M., E.S.T.

Charles B. Westermann
CITY CLERK

Approved and signed by me this 28 day of August, 1974, at the hour of 4:06 o'clock P.M., E.S.T.

John H. Lutz
MAYOR

Bill No.

5-74-0803

REPORT OF THE COMMITTEE ON FINANCE

As, your Committee on Finance to whom was referred an Ordinance

approving a contract with NOBIS-WESTROP, INC. for construction of McArthur Drive
Feeder Main.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

William T. Hinga - Chairman

John Nuckols - Vice-Chairman

James S. Stier

Winfield C. Moses, Jr.

Paul "Mike" Burns

William T. Hinga
John Nuckols
James S. Stier
Winfield C. Moses Jr.
Paul M. Burns

CONCURRED IN

DATE 5-27-74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE
board of public works

July 29, 1974

The Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

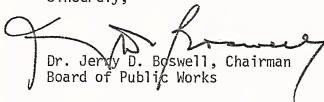
Subject: Water Contract 74-XP-1, Phase I

The Board of Works has awarded a water contract for the construction of the McArthur Drive Feeder Main to Nobis-Westrop, Inc. in the amount of \$30,730.00.

This main needs to be installed along with the start of the Waynedale Project, Phase I. Since John Dehner, Inc. is beginning the Waynedale project today, July 29, the Board deems it advisable to request "Prior Approval" on the construction of the water main. This is a City paid project to be paid from the Water Utility Fund.

Subject will be submitted to Council for formal approval August 13, 1974.

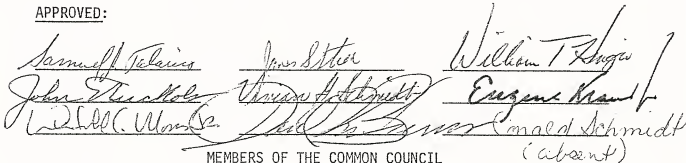
Sincerely,


Dr. Jerry D. Boswell, Chairman
Board of Public Works

JDB/ss

Attachment

APPROVED:


MEMBERS OF THE COMMON COUNCIL
(absent)

- 17 -
8/17/74

AGREEMENT

FOR CONSTRUCTION OF McARTHUR DRIVE FEEDER MAIN PHASE I

CONTRACT NO. 74-XP-1

THIS AGREEMENT, made this 5th day of August, 1974, by and between NOBIS-WESTROPP CONSTRUCTION CO., INC., hereinafter called the Contractor, and the City of Fort Wayne, an Indiana Municipal Corporation, herein called Owner,

WITNESSETH, that the Contractor and the Owner for the considerations herein-after named, agree as follows:

ARTICLE 1. SCOPE OF WORK

Contractor shall construct and install and furnish all necessary materials for the installation of 995± feet of sixteen inch (16") ductile iron water main on McArthur Drive from Old Trail Road to Elzey Street, and it's appurtenances and do everything required by the contract documents and this agreement.

ARTICLE 2. TIME OF COMPLETION

The work to be performed under this contract shall be commenced immediately upon notice to proceed and the work shall be completed within forty-five (45) consecutive calendar days after receipt of material.

ARTICLE 3. THE CONTRACT SUM

The Owner shall pay the Contractor for the performance of the contract the sum of \$30,730.00. In event the amount of work is increased or decreased by the Owner, the contract sum shall be increased or decreased according to the unit price schedule set forth in the Contractor's proposal.

ARTICLE 4. PROGRESS PAYMENTS

The Owner shall make payments on account of the contract as provided therein, as follows:

On or about the 15th day of each month, ninety percent (90%) of the value of the work performed up to the first day of that month (based on the contract prices of labor and materials incorporated in the work) and as estimated by the Contractor and approved or revised by the Engineering Department of the Owner, less the aggregate of previous payments.

ARTICLE 5. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and the contract is fully performed.

Upon receipt of written notice that the work is ready for final inspection and acceptance, the Engineering Department of the Owner shall promptly make such inspection, and when it finds the work acceptable under the contract and the contract fully performed, it shall promptly issue a final certificate stating that the work provided for in this contract has been completed and is accepted, and the entire balance of the contract sum shall be due and payable to the Contractor.

At the time said payment is due and payable, the Contractor shall furnish the Owner, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid.

ARTICLE 6. GUARANTEE OF MATERIALS AND WORKMANSHIP

Contractor guarantees all materials and work against defects for a period of one year after the date of the acceptance of the work.

ARTICLE 7. THE CONTRACT DOCUMENTS

The Instructions to Bidders, Specifications, Contractor's Proposal, Bond and this Agreement form the Contract, and they are as fully a part of the Contract as if hereto attached or herein repeated. The following is an enumeration of these documents:

- A. Instructions to Bidders for Contract No. 74-XP-1.
- B. Contractor's Proposal dated July 10, 1974.
- C. Contractor's Bond.
- D. Supplemental Specifications for McArthur Drive Feeder Main, Phase I, and Detailed Specifications and Conditions for the installation of Transmission and Distribution Mains, Contract No. 74-XP-1, and Fort Wayne Water Utility, Engineering Dept., Drawing No. Y-10474, Sheets 1-3.
- E. All materials shall be in accordance with Fort Wayne Water Utility, Engineering Department, Water Main Materials Standards, dated November 28, 1973, except as modified in the Supplemental Specifications.

ARTICLE 8. ADJUSTMENT OF DISPUTES

All questions or controversies which may arise between the Contractor and the Owner under the provisions of this Contract shall be subject to the decision of the Chief Engineer of the Fort Wayne Water Utility of the Owner, and his decision shall be final and conclusive upon the parties.

Provided, however, no changes in the plans, specifications, or other phases of the work covered by this contract will be permitted except on prior written authorization by the Board of Public Works.

ARTICLE 9. INDEMNITY

Contractor shall indemnify the Owner against any claim or loss incurred or arising out of the performance of the work as provided herein.

ARTICLE 10. COUNCILMANIC APPROVAL

This Agreement, although executed on behalf of the Owner by it's Mayor and Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within sixty (60) days after the date hereof, then this contract shall be and become wholly void.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

NOBIS-WESTROPP CONSTRUCTION CO., INC.

BY: _____
William M. Nobis, President

CITY OF FORT WAYNE, INDIANA

BY: _____
Ivan A. Lebamoff, It's Mayor

BOARD OF PUBLIC WORKS

Jerry R. Boswell, Chairman

Ronald L. Bonar
Ronald L. Bonar

William G. Williams

ATTEST:

Edna I. Smith, Clerk

APPROVED AS TO FORM AND LEGALITY:

[Signature]

Prepared by:
D. L. Foland, P.E.
Water Engineering Dept.

APPROVED by the Common Council of the City of Fort Wayne on _____,
1974, Special Ordinance No. _____.

DIGEST SHEET

S 74-08-03

TITLE OF ORDINANCE: Contract to Nobis-Westrop, Inc. for McArthur Drive Feeder Main

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works

SYNOPSIS OF ORDINANCE: Request approval of contract to Nobis-Westrop, Inc. for
construction of McArthur Drive Feeder Main. (This is being installed along
with Waynedale Project, Phase I).

See Prior Approval letter attached

EFFECT OF PASSAGE: Construction of McArthur Drive Feeder Main

EFFECT OF NON-PASSAGE: No construction.

MONEY INVOLVED (Direct Costs, Expenditures, Savings): _____

Cost to City: \$30,730.00

ASSIGNED TO COMMITTEE (J.N.): Finance